



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Leandre Adifon, et al.

Serial No.: 09/163,207

Filed: September 29, 1998

Docket No: OT-4329

Date: August 2, 2001

Examiner: S. McAllister

Art Unit: 2167

Title: ELEVATOR SYSTEM HAVING DRIVE MOTOR LOCATED ADJACENT TO
HOISTWAY DOOR

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Washington, DC 20231

REPLY BRIEF
PURSUANT TO 37 C.F.R. §1.193

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1. REAL PARTY IN INTEREST

No additional comment.

2. RELATED APPEALS AND INTERFERENCES

No additional comment.

3. STATUS OF CLAIMS

No additional comment.

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4. STATUS OF AMENDMENTS

No additional comment.

5. SUMMARY OF INVENTION

Claim 1 is directed to an elevator system having the elevator motor located in a convenient location for both space optimization and serviceability. Claim 1 includes a hoistway having a plurality of hoistway doors and a ceiling, an elevator car located in the hoistway, and a

drive motor coupled to the car. The drive motor is located immediately adjacent to one of the top and bottom portion of a hoistway door.

In Examiner's Answer, the Examiner objected to the statement that the drive motor is immediately adjacent the top of the hoistway door. To support this objection, it was pointed out that the door header, some space and a mounting bracket for the motor separated the hoistway door and the drive motor.

Applicants respectfully disagree with this alleged deficiency in the Summary of Invention as filed in the Appeal Brief. The door header is an extension of the hoistway door and the mounting bracket is an extension of the drive motor. Therefore, the only item separating the drive motor and the hoistway door is a minimum of space as shown in Examiner's amplified drawings added as an attachment to the Examiner's Answer. When interpreted in light of the specification, as required, it is readily apparent that the drive motor is immediately adjacent to the hoistway door as described and as claimed in the application.

6. ISSUE

No additional comment.

7. GROUPING OF THE CLAIMS

No additional comment.

8. ARGUMENT

(1) Whether Claims 1, 2 and 6 are anticipated under 35 U.S.C. 102(b) by Takahashi?

Examiner alleges that Takahashi fulfills the immediate adjacency test in every sense that the claimed invention does. As pointed out above in the discussion of the Summary of Invention, the only separation between the motor (including mounting hardware) and the door (including door header) of Applicants' invention is a small space.

Takahashi on the other hand, includes an extension of wall, ceiling above the wall, and foundation material (12) above the ceiling, all of this separating the door (including header) and the drive motor (including mounting brackets). The additional structure of the wall, ceiling and foundation clearly distinguishes the drive motor of Takahashi from being interpreted as

“immediately adjacent” to the hoistway door. Therefore, Examiner’s interpretation is unfounded and this rejection should be reversed as Takahashi fails to disclose each and every element of claims 1, 2 and 6.

(2) Whether the Examiner has met his burden to establish a prima facie case of obviousness under 35 U.S.C. 103 in the rejection of Claims 7, 8 and 18 as unpatentable over Takahashi in view of Sugiyama?

Examiner alleges that movable panels, such as disclosed in Sugiyama, could be added to Takahashi to create a system to provide access to the motor from a position in front of the hoistway door, even if the mechanic were required to climb completely into the space above the ceiling. Taken to its logical extreme, if a mechanic begins from in front of the hoistway door, walks up a set of stairs to the roof of the building, and then crosses into a machineroom on the roof, this could be considered (according to the Examiner’s interpretation) to be accessing the machine from a position in front of the hoistway door. This interpretation is a rather strained variation of hindsight reconstruction.

Applicants’ invention as claimed and shown in the drawings, permits access to the motor from a position in front of the hoistway doors. There is no need to climb through ceilings or any other structure to access the motor. Outside of extreme interpretations of the prior art, this feature is not disclosed or suggested by the prior art and therefore this rejection should be reversed.

(3) Whether the Examiner has met his burden to establish a prima facie case of obviousness under 35 U.S.C. 103 in the rejection of Claim 10 as unpatentable over Takahashi in view of Moore?

No additional comment.

(4) Whether the Examiner has met his burden to establish a prima facie case of obviousness under 35 U.S.C. 103 in the rejection of Claim 13 as unpatentable over Takahashi in view of Aulanko et al.?

No additional comment.

CONCLUSION

As Applicants have traversed each and every rejection raised by the Examiner, it is respectfully requested that the rejections be reversed and the rejected claims be passed to issue. Please charge any additional fees or credit overpayment to Deposit Account No. 15-0750, Order No. OT-4329.

Respectfully submitted,

Adifon et al.

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